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3 **ORLANDO GARCIA,**

4 Plaintiff,

5 v.

6 **SWEET MOMENT SM,**

7 Defendant.

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9 Case No. 4:21-cv-09657-YGR

10 **ORDER TO SHOW CAUSE**

11 A federal court may decline to exercise supplemental jurisdiction over a state law claim “in
12 exceptional circumstances.” 28 U.S.C. § 1337(c)(4). Supplemental jurisdiction “is a doctrine of
13 discretion, not of plaintiff’s right.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726
14 (1966). When a “high-frequency” litigant such as plaintiff asserts a California Unruh Act claim in
15 federal court with an ADA claim, this typically constitutes an exceptional circumstance that
16 justifies dismissal of the Unruh Act claim. *See Arroyo v. Rosas*, 19 F.4th 1202, 1211-14 (9th Cir.
17 2021); *Garcia v. Maciel*, No. 21-cv-03743-JC, 2022 WL 395316 (N.D. Cal. Feb. 9, 2022). In
18 light of the foregoing, plaintiff is hereby **ORDERED TO SHOW CAUSE** why this Court should not
19 decline to exercise supplemental jurisdiction over the Unruh Act claim given the infancy of this
20 case.

21 Plaintiff shall file a written response to this order to show cause no later than May 26,
22 2022. Failure to respond in writing will result in the Unruh Act claim being dismissed with
23 prejudice.

24 **IT IS SO ORDERED.**

25 Dated: May 12, 2022

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28 **YVONNE GONZALEZ ROGERS**
UNITED STATES DISTRICT JUDGE